

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civ. No. 23-746 KRS/SCY

1964 PIPER COMANCHE PA-24-250,
SERIAL NUMBER 24-3660, TAIL
NUMBER N8404P,

Defendant.

ORDER TO SHOW CAUSE

This matter is before the Court *sua sponte*. The United States filed its Complaint for Forfeiture *In Rem* on September 5, 2023. Doc. 1. On September 15, 2023, the Clerk of the Court issued a Warrant for Arrest *In Rem* of Property. Doc. 3. The United States published service to known claimants and subsequently the United States and Claimants Leonard Vandenberg and Christy Vandenberg filed a series of motions to extend the time for Claimants to file an Answer. Under the latest Court order, the answer was due August 7, 2024. Doc. 14.

Since then, no answer has been filed and no party has filed another request for extension of time. The United States has taken no further action in this case, such as moving for a default judgment. On November 14, 2024, the Court ordered the United States to “file a report describing the status of this case on or before 11/21/2024, absent a request for extension of time.” Doc. 16. The United States did not file a status report, request an extension of time, or otherwise respond to this order.

The Court has the inherent power to impose a variety of sanctions on litigants in order to, among other things, regulate its docket and promote judicial efficiency. *Martinez v. Internal Revenue Service*, 744 F.2d 71, 73 (10th Cir. 1984). One such sanction within the discretion of the

Court is to dismiss an action for want of prosecution. *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-30 (1962). Additionally, under the Local Rules of this Court, “[a] civil action may be dismissed if, for a period of ninety (90) days, no steps are taken to move the case forward.” D.N.M.LR-Civ. 41.1. Based upon the United States’ lack of activity in this case and failure to respond to the Order for Status Report, it will be required to show cause why this case should not be dismissed.

IT IS THEREFORE ORDERED THAT no later than December 19, 2024 the United States shall file with this Court a response to this order showing cause why this case should not be dismissed. The United States is also hereby notified that failure to respond to this Order may result in dismissal of this case without further notice.


UNITED STATES MAGISTRATE JUDGE